

**REMARKS**

In a communication mailed June 6, 2005, a 3-way species election was presented. The species election requirement is prima facie improper, as not supported by any reasoning or factual foundation.

37 CFR §1.141(a) provides that "Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable generic claim to all of the claimed species and all the claims to species in excess of one are written in dependent form (§1.75) or otherwise include all the limitations of the generic claim." Further, 37 CFR §1.143 provides that Applicant may request reconsideration of an election requirement. This constitutes such a request for reconsideration and withdrawal of the election requirement.

The communication states that no claim is currently deemed generic. However, this is quite incorrect. Claims 1 and 12 are generic, as the first species identified by the Examiner corresponds to claim 14, which depends from claims 1, 12 and 13; claim 15, which depends from claims 1 and 12, and claim 38, are drawn to the second species; and claim 16, which depends from claims 1 and 12, corresponds to the third species.

*Though there is a generic claim, indeed two generic claims, relative to the identified species, and reconsideration is thus requested, Applicant provisionally elects for examination the second species.*

Applicant has also amended claims 2, 6, 7, 9, 20, 21, and 30 to depend multiply from claims 1 or 15. Thus, even if the examiner does not withdraw or modify the restriction requirement, claims 1/15-14/15 and 16/15-30/15 all are now part of the elected second group of claims, along with claims 15 and 38.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to deposit account No. 23/2825.

Respectfully submitted,



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